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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 (HONORABLE BARBARA L. MAJOR)
11

12 UNITED STATES OF AMERICA,)	Case No.: 08MJ1973
)	
13 Plaintiff,)	EX PARTE MOTION TO REVOKE
)	MATERIAL WITNESS BOND OF
14 vs.)	ERNESTINA PATRICIA SERRANO _
)	AND DECLARATION OF
15 CHRISTIAN PEREZ-GARCIA, et al.,)	ATTORNEY NEIL R. TROP IN
)	SUPPORT THEREOF
16)	
17 Defendants.)	
)	
)	

18
19 **DECLARATION**

20 Neil R. Trop, counsel for the material witness, declares under penalty of perjury as
21 follows:

22 The action is currently pending before the Honorable Barbara L. Major. The
23 Preliminary Hearing is set for July 15, 2008 at 1:30 p.m.

24 Material Witness Ernestina Patricia Serrano was ordered released on bond from
25 the custody of the United States Marshal into the custody of the Bureau of Immigration

1 and Customs Enforcement (hereinafter, "BICE") on July 10, 2008. The material witness
2 bond was approved by the Honorable William McCurine, Jr. on July 10, 2008, the duty
3 magistrate judge on that date.

4 It was anticipated that the material witness would be released from BICE on her
5 own recognizance as is the usual custom in cases such as this one. On July 10, 2008,
6 subsequent to material witness' release on bond, the declarant was informed by BICE
7 agent Richard Otero that BICE had information that Ernestina Patricia Serrano had a
8 record of absconding from BICE and had been deported. Hence Ernestina Patricia
9 Serrano would not be released from BICE custody. Agent Otero requested that Ernestina
10 Patricia Serrano therefore be transferred back into the custody of the United States
11 Marshal.

12
13 **MOTION**

14 It is requested that the material witness bond posted on her behalf be revoked
15 and that Ernestina Patricia Serrano be transferred from BICE custody back into the
16 custody of the United States Marshal.

17
18 DATED: 7/10/08

/s/ Neil R. Trop

19
20 Neil R. Trop, Attorney for
21 Material Witness Ernestina
22 Patricia Serrano
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25

NEIL R. TROP
Attorney at Law
1991 Village Park Way
Suite 160
Encinitas, CA 92024

Case No. 08MJ1973
U.S. v. PEREZ-GARCIA, et al.

DECLARATION OF SERVICE

I, the undersigned, say: I am over 18 years of age, employed in the County of San Diego, California, in which county the within-mentioned delivery occurred, and not a party to the subject cause. My business address is 1991 Village Park Way, Suite 160, Encinitas, California. I served the **EX PARTE MOTION TO REVOKE MATERIAL WITNESS BOND OF ERNESTINA PATRICIA SERRANO AND DECLARATION OF ATTORNEY NEIL R. TROP IN SUPPORT THEREOF** which was a true and correct copy of the document filed via the District Court's electronic filing system to each party named hereafter, as follows:

Norma Aguilar, Esq.
Counsel for Defendant Perez-Garcia

Carla Bressler
U.S. Attorney's Office

Victor Torres, Esq.
Counsel for Defendant Flores-Ley

The document was electronically filed and thereby served by the undersigned at Encinitas, California on July 10, 2008.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 10, 2008, at Encinitas, California.

/s/Neil R. Trop